



Date: 04/20/2023

BRENNNA B. MAHONEY, CLERK OF COURT

By: *Esther Glasgow*, Deputy Clerk

Clerk's Office
Filed Date: **04/20/2023**

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN OFFICE

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: EXACTECH POLYETHYLENE
ORTHOPEDIC PRODUCTS LIABILITY LITIGATION**

MDL No. 3044

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO -26)

On October 7, 2022, the Panel transferred 20 civil action(s) to the United States District Court for the Eastern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* ___ F.Supp.3d ___ (J.P.M.L. 2022). Since that time, 138 additional action(s) have been transferred to the Eastern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Nicholas G. Garaufis.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of New York and assigned to Judge Garaufis.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the Eastern District of New York for the reasons stated in the order of October 7, 2022, and, with the consent of that court, assigned to the Honorable Nicholas G. Garaufis.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of New York. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.
Apr 20, 2023
CLERK'S OFFICE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

FOR THE PANEL:

John W. Nichols
Clerk of the Panel

**IN RE: EXACTECH POLYETHYLENE
ORTHOPEDIC PRODUCTS LIABILITY LITIGATION**

MDL No. 3044

SCHEDULE CTO-26 – TAG-ALONG ACTIONS

DIST **DIV.** **C.A.NO.** **CASE CAPTION**

ALABAMA SOUTHERN

ALS	1	23-00118	McDermott v. Exactech, Inc. et al	1:23-cv-02942
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CONNECTICUT

CT	3	23-00401	Bastien v. Exactech, Inc. et al	1:23-cv-02943
CT	3	23-00403	Roman et al v. Exactech, Inc. et al	1:23-cv-02944

NEW JERSEY

NJ	2	23-01389	WALL v. EXACTECH, INC. et al	1:23-cv-02948
NJ	2	23-01396	WALSH et al v. EXACTECH, INC. et al	1:23-cv-02949
NJ	2	23-01445	ANDERSON et al v. EXACTECH, INC. et al	1:23-cv-02950
NJ	2	23-01507	VARNECKAS v. EXACTECH, INC. et al	1:23-cv-02953
NJ	3	23-01385	BEER et al v. EXACTECH, INC. et al	1:23-cv-02956
NJ	3	23-01388	MARINELLO v. EXACTECH, INC. et al	1:23-cv-02964

NEW YORK SOUTHERN

NYS	1	23-02055	Zaremba et al v. Exactech U.S., Inc. et al	1:23-cv-02966
NYS	1	23-02065	Kraus v. Exactech, Inc. et al	1:23-cv-02967
NYS	1	23-02714	Rich et al v. Exactech, Inc. et al	1:23-cv-02968
NYS	1	23-02826	McClean v. Exactech US, Inc. et al	1:23-cv-02969
NYS	1	23-02873	Reilly et al v. Exactech, Inc. et al	1:23-cv-02970
NYS	7	23-02740	Siegel v. Exactech, Inc. et al	1:23-cv-02971

TENNESSEE MIDDLE

TNM	3	23-00281	Hassell et al v. Exactech, Inc. et al	1:23-cv-02972
TNM	3	23-00282	Matthews et al v. Exactech, Inc. et al	1:23-cv-02973
TNM	3	23-00283	White et al v. Exactech, Inc. et al	1:23-cv-02974